

## **ORDINANCE BH-1-2012**

### **AN ORDINANCE TO AMEND SECTION 17 OF BH-4-01 REQUIREING A CERTIFICATE FOR CONTINUED USE OF EXISTING INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM PRIOR TO RESALE OF PROPERTY; INSPECTIONS AND TESTS OF SYSTEMS.**

**WHEREAS**, a substantial number of dwellings in the Township of Chatham are served by individual subsurface sewage disposal systems, and the Township Board of Health has determined that the protection of the public health, and the safety and welfare required that title to a property in the Township with a previously occupied dwelling served by such a system should not be transferred to a new owner until the Board of Health has issued a certificate for the continued use of the system after inspection and tests of the system by a qualified person; and

**WHEREAS**, although the State Standards for Individual Subsurface Sewage Disposal Systems, N.J.S.A. 7:9A-1, et seq. prohibit the testing of an individual subsurface sewage disposal system in a manner that will result in excessive loading of the system or that may otherwise adversely affect the functioning of the system, no specific testing standards or procedures are provided in the State Standards.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Health of the Township of Chatham, in the County of Morris, New Jersey, as follows:

1. Section 17, Requirement for Certificate of Continued Use of Existing Individual Subsurface Sewage Disposal System Prior to Resale of Property; Inspections and Test of System of Ordinance BH-4-01 entitled “An Ordinance Relating to the Construction, Alteration, Use and Maintenance of Individual Subsurface Sewage Disposal Systems in the Township of Chatham, in the County of Morris, New Jersey” adopted on November 13, 2001, is hereby amended to read in its entirety as follows:

#### **17. REQUIREMENT FOR CERTIFICATE FOR CONTINUED USE OF EXISTING INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM PRIOR TO RESALE OF PROPERTY; INSPECTIONS AND TESTS OF SYSTEMS.**

(a) Requirement for Certificate. Prior to the transfer of title to any property which includes a previously occupied dwelling served by an individual subsurface sewage disposal system, a certificate for the continued use of the system shall have been issued by the Board of Health. An appropriate notation regarding this requirement shall be placed upon tax searches issued by the Tax Collector of the Township. A certificate for continued use of an individual subsurface sewage disposal system issued by the Board of Health more than 6 months prior to the transfer of title to the property as to which the certificate was issued shall not meet the requirement of this paragraph 17(a).

(b) Application for Certificate for Continued Use. Either the seller or the purchaser may make application to the Board of Health for the issuance of a certificate for continued use of an individual subsurface sewage disposal system. An application

shall be made upon a form provided by the Board of Health for such purpose. The form shall include space for a report of inspection and tests of the system made in accordance with the provisions of this Section 17. A fee of \$5.00 shall be paid at the time of the submission of an application.

In the event that a Certificate of Compliance has been issued by the Board of Health with respect to a new or altered individual subsurface sewage disposal system pursuant to Section 12 within the previous twelve (12) months of the filing of an application for a Certificate for Continued Use, then upon the payment of the \$5.00 fee therefor a Certificate for Continued Use shall be issued without the need for meeting any of the requirements of this Section regarding inspections and tests of the system.

(c) Inspection and Tests by Qualified Person. The required inspection and tests of an individual subsurface sewage disposal system shall be made by a person engaged by the applicant who is licensed by the State of New Jersey either as a professional engineer or as a Registered Environmental Health Specialist. Neither the Township Engineer nor any professional engineer associated with his firm nor a registered environmental health specialist affiliated with the Madison Board of Health shall perform the inspection or tests. The person making the inspection and tests shall sign the report required to be submitted to the Board of Health.

The inspection and tests shall be as follows:

- (1) On-Site Inspection. The on-site inspection shall consist of a visual check of the ground surface of the subject property both above and in the vicinity of the individual subsurface sewage disposal system for purposes of determining whether there is any evidence of recent overflow of the system or any seepage from the system into any water course as such term is defined in N.J.A.C. 7:9A-2.1.
- (2) Tests. The following tests shall be performed:
  - (i) Dye test in the plumbing system to determine whether there is any evidence of system overflows to ground surface or to any water course.
  - (ii) Probe test to determine whether there is any saturation peculiar to the ground above the system. In the event that such saturation is found, it shall be considered evidence of system overflow.
  - (iii) Usage test to ascertain whether the system can accept an appropriate discharge of water into the system without creating evidence of any overflow or seepage from the system. Total discharge of water into the system for any one usage test shall not exceed an amount calculated as follows:

50 gallons for the first bedroom plus 35 gallons for each additional bedroom, provided that the total volume of water discharged into the system shall not be less than 100 gallons nor more than 200 gallons, with the discharge being made within a period not exceeding 1 hour. No more than one such usage test shall be made on a system within any 24-hour period.

(d) Prohibited Methods for Testing an Individual Subsurface Sewage Disposal System. No person shall at any time test an individual subsurface sewage disposal system within the Township of Chatham by discharging any liquid into such system except as provided in subparagraph 17(c)2(iii), nor shall any person test such a system in any other manner that will adversely affect the functioning of the system.

(e) Completion of Report and Execution. The report of inspection and tests which is submitted to the Board of Health on the form provided shall state that the person executing the report personally made the on-site inspection of the subject property and conducted the tests in the manner required by paragraph 17(c) and shall state whether

such inspection and tests revealed or produced evidence of any overflow of the system or any seepage from the system into any water course as defined in N.J.A.C. 7:9A-2.1.

(f) Issuance of Certificate for Continued Use. A certificate for continued use of an existing individual subsurface sewage disposal system serving a previously occupied dwelling shall be issued by the Secretary of the Board of Health within 5 calendar days after the receipt by the Board of a report stating that the inspection and tests made in accordance with the requirements of paragraph 17(c) did not reveal or produce evidence of any overflow of the system or any seepage from the system into any water course.

In the event the report of inspection and tests submitted to the Board of Health reveals evidence of malfunction, the Purchaser will hold in escrow with the Board of Health, the sum equivalent to One Hundred (100) percent of the written estimated cost of the new system, as determined by a licensed professional engineer, to assure that the system will be repaired within forty five (45) days from the date of closing, and the property will not be occupied until such time that a Certificate of Continued Use is issued by the Board of Health, following requisite repair(s). The Board of Health shall release said escrow to the Purchaser upon the issuance of the Certificate of Continued Use or upon demolition of the structure. An extension may be granted upon approval of the Board of Health.

(g) Denial of Certificate for Continued Use. In the event that for any reason the requested certificate for continued use is denied, a notice of denial shall be sent to the applicant by the Secretary of the Board of Health within 5 calendar days of the receipt of the report of inspection and tests. Such notice shall state the reason for the denial.

If considered necessary for the evaluation of a report, an authorized agent of the Board of Health may make such examinations of an individual subsurface sewage disposal system and the property upon which it is located as may be deemed necessary in order to determine whether a certificate for continued use of the system should be issued.

(h) Disclaimer. The issuance by the Board of Health of a certificate for continued use of an existing individual subsurface sewage disposal system shall not constitute a representation by the Board that the subject system will function satisfactorily for any given period of time following the date of the issuance of the certificate. Every certificate issued shall bear such a statement. The issuance of a Certificate of Continued Use by the Board of Health shall not impede the Board from enforcing any and all public health laws.

This ordinance shall take effect thirty (30) days after adoption and publication of a Notice of Adoption in accordance with New Jersey law.

Introduced: January 10, 2012

Adopted: February 14, 2012

Attest:

BOARD OF HEALTH OF THE TOWNSHIP OF  
CHATHAM, IN THE COUNTY OF MORRIS

By \_\_\_\_\_  
John Nachtigal, President

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Gregory J. LaConte, Secretary